

Remarks

This Amendment is responsive to the Office Action dated September 30, 2005. Claims 1-8 remain for consideration.

Drawings

The element "porous water transport plate serving as reactant gas flow fields" has been cancelled from claims 2-4. The drawings now show the elements of the claims and the objection has therefore been complied with.

Rejection -112

Claims 2-4 are rejected as non-enabling; the "water transport plates" have been eliminated from claims 2-4. Therefore, this rejection has been complied with.

Rejection -102

Claims 1-8 are rejected as anticipated by Katz et al (Katz). However, line 3 of the rejection (beginning with (17)) is inconsistent for two separate reasons. First of all, the Examiner cannot define the reactant gas manifold as element 17 and in the same sentence (or otherwise in the same rejection) define a gas filled panel as element 17. Furthermore, if element 17 is a gas filled insulating panel, it cannot possibly serve as a fuel cell reactant gas manifold of any sort. Therefore, the alleged facts with respect to the reference are wrong. For that reason, reconsideration and allowance of claim 1 and its dependent claims 2-4 and reconsideration and allowance of claim 7 and its dependent claim 8 are hereby requested.

MPEP 2131 states that for anticipation, the reference must "teach every element of the claim". Claim 1 calls for a vacuum insulated panel or a gas filled panel; there is not even an allegation in the rejection that there is a vacuum insulated panel or a gas filled panel in Katz. Therefore, reconsideration of claims 1-4 and 7-8 is hereby requested.

With respect to claim 5, the insulator panel on an external surface of each end plate must include a vacuum, a low thermal conductivity gas, a vacuum insulated panel, or a gas filled panel. There is not even an allegation in the rejection that Katz discloses any of these elements. Therefore, reconsideration and allowance of claims 5 and 6 is requested.

With respect to claims 2-4, they are patentable because they depend from claim 1 as described hereinbefore. Furthermore, claims 2-4 have been amended to describe the manifolds, rather than the manner of designing them; specifically, the claims now refer to the characteristics of said manifolds and said insulator panels. Therefore, claims 2-4 are not "drawn to a process-of-using limitations" and do properly further limit the claimed fuel cell. For these additional reasons, reconsideration and allowance of claims 2-4 as amended is hereby requested.

Should there be any part of the foregoing which is not deemed to be persuasive, a telephone interview is most earnestly solicited so as to clarify matters and reach deposition.

Respectfully submitted,


M. P. Williams
Attorney of Record
Voice: 860-649-0305
Fax: 860-649-1385

210 Main Street
Manchester, CT 06040

Date: November 8, 2005